

Panaji, 17th November, 2011 (Kartika 26, 1933)

SERIES II No. 33

OFFICIAL GAZETTE

GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

GOVERNMENT OF GOA

Department of Co-operation
Office of the Registrar of Co-operative Societies

Notification

No. 2-18-2002-EST/RCS/Vol-II

The Government of Goa is pleased to convey the approval to open the Zonal office of the Department of Co-operation in the name and style as "Office of the Asstt. Registrar of Co-operative Societies, Quepem, Zone" Quepem-Goa. Consequent to the above, the Department of Co-operation is reorganized as shown in the Schedule appended hereunder:

SCHEDULE

| Sr. No. | Zonal Office | Jurisdiction |
|---|--------------|--|
| 1 | 2 | 3 |
| 1. Headquarters, Panaji-Goa | | All the Apex Co-operative Institutions in the State. |
| 2. Asstt. Registrar of Co-op. Societies, Central Zone, Panaji-Goa | | All types of Co-operative Societies of Tiswadi Taluka. |
| 3. Asstt. Registrar of Co-operative Societies, North Zone, Mapusa-Goa | | All types of Co-operative Societies of Bardez, Bicholim and Pernem Talukas. |
| 4. Asstt. Registrar of Co-operative Societies, Ponda Zone, Ponda-Goa | | All types of Co-operative Societies in Ponda, Dharbandora and Satari Taluka. |
| 5. Asstt. Registrar of Co-operative Societies, South Zone, Margao-Goa | | All types of Co-operative Societies of Salcete and Mormugao Talukas. |

| 1 | 2 | 3 |
|--|---|--|
| 6. Asstt. Registrar of Co-operative Societies, Quepem Zone, Quepem-Goa | | All types of Co-operative Societies of Sanguem, Quepem and Canacona Talukas. |

This notification shall come into force from the date of its publication in the Official Gazette.

By order and in the name of the Governor of Goa.

P. K. Velip Kankar, Registrar of Co-op. Societies & ex officio Joint Secretary.

Panaji, 15th November, 2011.

Office of the Asstt. Registrar of Co-operative Societies

Order

No. 19-14-86/ARSZ/Labour/1489

Read: (1) Final report received from the Liquidator Hindustan Bricks Manufacturer and Labour Contract Co-op. Society Ltd., Kakoda, Quepem, Goa.

(2) Order No. 19-14-86/ARSZ/Labour/1550 dated 2nd August, 2011, terminating the Liquidation proceedings of Hindustan Bricks Manufacturer and Labour Contract Co-op. Society Ltd., Kakoda, Quepem, Goa.

In exercise of the powers vested in me under Section 19 of the Goa Co-op. Societies Act, 2001, I, P. M. Naik, Asstt. Registrar of Co-op. Societies, South-Zone, Margao, in furtherance to above referred order at Sr. No. 2, hereby cancel the registration of the Hindustan Bricks Manufacturer and Labour Contract Co-op. Society Ltd., Kakoda,

Quepem, Goa and it shall cease to be a Corporate body from the date of cancellation of registration.

Sd/- (P. M. Naik), Asstt. Registrar of Co-op. Societies (South Zone).

Margao, 25th October, 2011.

Notification

In exercise of the powers vested in me under Section 8(1) of the Goa Co-op. Societies Act, 2001, Sunrise Multipurpose Co-op. Society Ltd., H. No. 48, Morlem New Colony, Morlem, Satari-Goa has been registered under code symbol No. RES-(c)-8/NZ/Goa.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 5th October, 2011.

Certificate of Registration

Sunrise Multipurpose Co-op. Society Ltd., H. No. 48, Morlem New Colony, Morlem, Satari-Goa has been registered on 5-10-2011 and it bears registration code symbol No. RES-(c)-8/NZ/Goa. It is classified as "Resource Society" in terms of Rule 8(1)(10) and sub-classified as "Service Resource Society" under sub-rule 10(c) of Rule 8(1) of the Goa Co-operative Societies Rules, 2003.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 5th October, 2011.

Notification

In exercise of the powers vested in me under Section 8(1) of the Goa Co-op. Societies Act, 2001, Shree Vathari Self Help Group Co-op. Society Ltd., Chinchwada, Pale, Bicholim-Goa has been registered under code symbol No. GEN-(c)-61/SHG/NZ/Goa.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 5th October, 2011.

Certificate of Registration

Shree Vathari Self Help Group Co-op. Society Ltd., Chinchwada, Pale, Bicholim-Goa has been registered on 5-10-2011 and it bears registration code symbol No. GEN-(c)-61/SHG/NZ/Goa. It is classified as "General Society" in terms of Rule 8(1)(12) and sub-classified as "Other Society"

under sub-rule 12(c) of Rule 8(1) of the Goa Co-operative Societies Rules, 2003.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 5th October, 2011.

Notification

In exercise of the powers vested in me under Section 8(1) of the Goa Co-op. Societies Act, 2001, Mahadev Vathari Self Help Group Co-op. Society Ltd., Chowgule Colony, Pale-Bicholim-Goa has been registered under code symbol No. GEN-(c)-78/SHG/NZ/Goa.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 5th October, 2011.

Certificate of Registration

Mahadev Vathari Self Help Group Co-op. Society Ltd., Chowgule Colony, Pale-Bicholim-Goa has been registered on 5-10-2011 and it bears registration code symbol No. GEN-(c)-78/SHG/NZ/Goa. It is classified as "General Society" in terms of Rule 8(1)(12) and sub-classified as "Other Society" under sub-rule 12(c) of Rule 8(1) of the Goa Co-operative Societies Rules, 2003.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 5th October, 2011.

Notification

In exercise of the powers vested in me under Section 8(1) of the Goa Co-op. Societies Act, 2001, Al-Ameen Self Help Group Co-op. Society Ltd., Muzawarwada, Sanquelim-Bicholim-Goa, has been registered under code symbol No. GEN-(c)-79/SHG/NZ/Goa.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 5th October, 2011.

Certificate of Registration

Al-Ameen Self Help Group Co-op. Society Ltd., Muzawarwada, Sanquelim-Bicholim-Goa has been registered on 5-10-2011 and it bears registration code symbol No. GEN-(c)-79/SHG/NZ/Goa. It is classified as "General Society" in terms of Rule 8(1)(12) and sub-classified as "Other

Society" under sub-rule 12(c) of Rule 8(1) of the Goa Co-operative Societies Rules, 2003.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 5th October, 2011.

Notification

In exercise of the powers vested in me under Section 8(1) of the Goa Co-op. Societies Act, 2001, Kamat Galaxy Co-operative Housing Society Ltd., Peddem, Mapusa, Bardez-Goa has been registered under code symbol No. HSG-(b)-323/NZ/Goa.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 7th October, 2011.

Certificate of Registration

Kamat Galaxy Co-operative Housing Society Ltd., Peddem, Mapusa, Bardez-Goa has been registered on 7-10-2011 and it bears registration code symbol No. HSG-(b)-323/NZ/Goa. It is classified as "Housing Society" in terms of Rule 8(1)(7) and sub-classified as "Co-partnership Housing Society" under sub-rule 7(b) of Rule 8(1) of the Goa Co-operative Societies Rules, 2003.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 7th October, 2011.

Notification

In exercise of the powers vested in me under Section 8(1) of the Goa Co-op. Societies Act, 2001, Ekta Nagar Self Help Group Co-op. Society Ltd., Sarvan, Karapur, Bicholim-Goa, has been registered under code symbol No. GEN-(c)-80/SHG/NZ/Goa.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 11th October, 2011.

Certificate of Registration

Ekta Nagar Self Help Group Co-op. Society Ltd., Sarvan, Karapur, Bicholim-Goa has been registered on 11-10-2011 and it bears registration code symbol No. GEN-(c)-80/SHG/NZ/Goa. It is classified as "General Society" in terms of Rule 8(1)(12) and sub-classified as "Other Society"

under sub-rule 12(c) of Rule 8(1) of the Goa Co-operative Societies Rules, 2003.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 11th October, 2011.

Notification

In exercise of the powers vested in me under Section 8(1) of the Goa Co-op. Societies Act, 2001, Munjeshwar Self Help Group Co-op. Society Ltd., Kamarkhazen, Peddem, Mapusa, Bardez-Goa has been registered under code symbol No. GEN-(c)-81/SHG/NZ/Goa.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 12th October, 2011.

Certificate of Registration

Munjeshwar Self Help Group Co-op. Society Ltd., Kamarkhazen, Peddem, Mapusa, Bardez-Goa has been registered on 12-10-2011 and it bears registration code symbol No. GEN-(c)-81/SHG/NZ/Goa. It is classified as "General Society" in terms of Rule 8(1)(12) and sub-classified as "Other Society" under sub-rule 12(c) of Rule 8(1) of the Goa Co-operative Societies Rules, 2003.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 12th October, 2011.

Notification

In exercise of the powers vested in me under Section 8(1) of the Goa Co-op. Societies Act, 2001, Sai Prasad Self Help Group Co-op. Society Ltd., Indiranagar, Karaswada, Mapusa, Bardez-Goa has been registered under code symbol No. GEN-(c)-82/SHG/NZ/Goa.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 12th October, 2011.

Certificate of Registration

Sai Prasad Self Help Group Co-op. Society Ltd., Indiranagar, Karaswada, Mapusa, Bardez-Goa has been registered on 12-10-2011 and it bears registration code symbol No. GEN-(c)-82/SHG/NZ/Goa. It is classified as "General Society" in terms of Rule 8(1)(12) and sub-classified as "Other

Society" under sub-rule 12(c) of Rule 8(1) of the Goa Co-operative Societies Rules, 2003.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 12th October, 2011.

Notification

In exercise of the powers vested in me under Section 8(1) of the Goa Co-op. Societies Act, 2001, Shree Shantadurga Self Help Group Co-op. Society Ltd., Kharpal, Latambarcem, Bicholim-Goa has been registered under code symbol No. GEN-(c)-83/SHG/NZ/Goa.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 12th October, 2011.

Certificate of Registration

Shree Shantadurga Self Help Group Co-op. Society Ltd., Kharpal, Latambarcem, Bicholim-Goa has been registered on 12-10-2011 and it bears registration code symbol No. GEN-(c)-83/SHG/NZ/Goa. It is classified as "General Society" in terms of Rule 8(1)(12) and sub-classified as "Other Society" under sub-rule 12(c) of Rule 8(1) of the Goa Co-operative Societies Rules, 2003.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 12th October, 2011.

Notification

In exercise of the powers vested in me under Section 8(1) of the Goa Co-op. Societies Act, 2001, Mahila Shakti Self Help Group Co-op. Society Ltd., Gaonkarwada-Bicholim-Goa has been registered under code symbol No. GEN-(c)-84/SHG/NZ/Goa.

R. A. Pednekar, Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 18th October, 2011.

Certificate of Registration

Mahila Shakti Self Help Group Co-op. Society Ltd., Gaonkarwada, Bicholim-Goa has been registered on 18-10-2011 and it bears registration code symbol No. GEN-(c)-84/SHG/NZ/Goa. It is classified as "General Society" in terms of Rule 8(1)(12) and sub-classified as "Other Society"

under sub-rule 12(c) of Rule 8(1) of the Goa Co-operative Societies Rules, 2003.

R. A. Pednekar, Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 18th October, 2011.

Notification

In exercise of the powers vested in me under Section 8(1) of the Goa Co-op. Societies Act, 2001, St. Anthony Self Help Group Co-op. Society Ltd., Parastem, Pernem-Goa has been registered under code symbol No. GEN-(c)-85/SHG/NZ/Goa.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 25th October, 2011.

Certificate of Registration

St. Anthony Self Help Group Co-op. Society Ltd., Parastem, Pernem-Goa has been registered on 25-10-2011 and it bears registration code symbol No. GEN-(c)-85/SHG/NZ/Goa. It is classified as "General Society" in terms of Rule 8(1)(12) and sub-classified as "Other Society" under sub-rule 12(c) of Rule 8(1) of the Goa Co-operative Societies Rules, 2003.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 25th October, 2011.

Notification

In exercise of the powers vested in me under Section 8(1) of the Goa Co-op. Societies Act, 2001, Shree Siddhaie Self Help Group Co-op. Society Ltd., Deulwada, Mandrem, Pernem-Goa has been registered under code symbol No. GEN-(c)-86/SHG/NZ/Goa.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 25th October, 2011.

Certificate of Registration

Shree Siddhaie Self Help Group Co-op. Society Ltd., Deulwada, Mandrem, Pernem-Goa has been registered on 25-10-2011 and it bears registration code symbol No. GEN-(c)-86/SHG/NZ/Goa. It is classified as "General Society" in terms of Rule 8(1)(12) and sub-classified as "Other Society"

under sub-rule 12(c) of Rule 8(1) of the Goa Co-operative Societies Rules, 2003.

Sd/- (R. A. Pednekar), Asstt. Registrar of Co-op. Societies (North Zone).

Mapusa, 25th October, 2011.

Notification

No. 18-2-75/ARSZ/Service/155

Read: (1) Final report dated 22-11-2010 received from the Liquidator of Cortalim Service Co-op. Society Ltd., Cortalim-Goa

2) Order No. 18-2-75/ARSZ/Service/3138 dated 16th December, 2010, terminating the Liquidation proceeding of Cortalim Service Co-op. Society Ltd., Cortalim-Goa.

In exercise of the powers vested in me under Section 19 of the Goa Co-op. Societies Act, 2001, I, P. M. Naik, Asstt. Registrar of Co-op. Societies, South-Zone, Margao-Goa, in furtherance to above referred order at Sr. No. 2, hereby cancel the registration of the Cortalim Service Co-op. Society Ltd., Cortalim-Goa and it shall cease to be a Corporate body from the date of cancellation of registration.

Sd/- (P. M. Naik), Asstt. Registrar of Co-op. Societies (South Zone).

Margao, 21st April, 2011.

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Department of Finance

Revenue & Control Division

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Notification

No. 5/7/2008-Fin(R&C)

In exercise of the powers conferred by sub-section (1) of Section 25 of the Goa Tax on Entry of Goods Act, 2000 (Goa Act 14 of 2000) (hereinafter referred to as the "said Act"), the Government of Goa, being of the opinion that it is necessary in public interest so to do, hereby exempts the tax payable under the said Act in respect of the Mobile Court Van of model TATA LP410 Ex/31, bearing engine No. 497SPTC40 DYY620677 and chassis No. MAT455061B8D16851 vide invoice No. 903278053 dated 20-04-2011, purchase by the Goa State Legal Services Authority, Altinho,

Panaji-Goa, from Tata Motors Limited, Pune, Maharashtra.

This Notification shall come into force with immediate effect.

By order and in the name of the Governor of Goa.

Ajit S. Pawasker, Under Secretary, Finance (R&C).

Porvorim, 9th November 2011.

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Department of Forest

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Notification

No. 2-1-2010/FOR/490

Read: Notification No. 2/1/2010/FOR dated 03-02-2010.

The name of "Shri M. A. Dessai (Ex-DCF), Margao-Goa", Member of the Committee for the purpose of identification of balance areas of private forests, South Goa District, appearing at serial No. 3 in the Notification dated 03-02-2010, referred above, shall be substituted as "Shri Pradeep Kurdikar (Ex-ACF)".

By order and in the name of the Governor of Goa.

Maria J. R. Pires, Under Secretary (Forests).

Porvorim, 8th November, 2011.

Notification

No. 10/587(I)/FD/2011-12 (Part File)

Whereas a Committee for Delineation of Eco-Sensitive Zone around wildlife in the State of Goa was constituted vide Office Memorandum No. 82/53/2005-Mines/part/2731 dated 10-01-2007 in pursuance of strategy 2002 adopted by the National Board of Wildlife; and

Whereas a Committee so constituted under the Chairmanship of the then Secretary Revenue Shri Rajeev Yadhuvanshi submitted its final report on 1-06-2007 which was submitted to Ministry of Environment and Forest for necessary action thereupon; and

Whereas the Ministry of Environment and Forest (Wildlife), New Delhi, has requested Chief Wildlife Warden of the State to modify the said Yadhuvanshi Committee report by constituting a small Committee, protected areawise (National Parks,

Sanctuaries) as per the guidelines issued by the Ministry on 9-02-2011 in this regard;

Now, therefore, it has been decided to constitute the following Committees for modifying the Yadhuvanshi Committee report of 1-06-2007 as indicated in the said letter dated 20-05-2011 of the Ministry and the guidelines dated 9-02-2011 issued by it:-

A) Madai Wildlife Sanctuary

- | | | |
|--|---|-------------------|
| (i) Dy. Conservator of Forests Wildlife and Eco-tourism division, North Goa Panaji Wildlife Warden | — | Chairman. |
| (ii) Assistant Conservator of Forest Wildlife and Eco-tourism division North Goa | — | Member Secretary. |
| (iii) Sarpanch Nagargao Group Gram Panchayat (the Official from the Local Self Government) | — | Member. |
| (iv) Mamlatdar of Satari (the Official of the Revenue Department of the Taluka) | — | Member. |
| (v) Shri Nitin Sawant, Ecologist | — | Member. |

B) Bhagwan Mahavir Wildlife Sanctuary, Molem together with Molem National Park

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|--|---|-------------------|
| (i) Dy. Conservator of Forests Wildlife and Eco-tourism division, North Goa Panaji Wildlife Warden | — | Chairman. |
| (ii) Assistant Conservator of Forest Wildlife and Eco-tourism division North Goa | — | Member Secretary. |
| (iii) Sarpanch of Sacordem Group Gram Panchayat (the Official from the Local Self Government) | — | Member. |
| (iv) Mamlatdar of Darbandora (the Official of the Revenue Department of the Taluka) | — | Member. |
| (v) Shri Nitin Sawant, Ecologist | — | Member. |

C) Bondla Wildlife Sanctuary

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|--|---|-----------|
| (i) Dy. Conservator of Forests Wildlife and Eco-tourism division, North Goa Panaji Wildlife Warden | — | Chairman. |
|--|---|-----------|

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|---|---|-------------------|
| (ii) Assistant Conservator of Forest Wildlife and Eco-tourism division North Goa | — | Member Secretary. |
| (iii) Sarpanch of Darbandora Group Gram Panchayat (the Official from the Local Self Government) | — | Member. |
| (iv) Mamlatdar of Darbandora (the Official of the Revenue Department of the Taluka) | — | Member. |
| (v) Shri Nitin Sawant, Ecologist | — | Member. |

D) Netravali Wildlife Sanctuary

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|--|---|-------------------|
| (i) Dy. Conservator of Forests Wildlife and Eco-tourism division, South Goa Margao | — | Chairman. |
| (ii) Assistant Conservator of Forest Wildlife and Eco-tourism division South Goa | — | Member Secretary. |
| (iii) Sarpanch of Netravali Group Gram Panchayat (the Official from the Local Self Government) | — | Member. |
| (iv) Mamlatdar of Sanguem (the Official of the Revenue Department of the Taluka) | — | Member. |
| (v) Shri Nitin Sawant, Ecologist | — | Member. |

E) Cotigao Wildlife Sanctuary

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|--|---|-------------------|
| (i) Dy. Conservator of Forests Wildlife and Eco-tourism division, South Goa Margao | — | Chairman. |
| (ii) Assistant Conservator of Forest Wildlife and Eco-tourism division South Goa | — | Member Secretary. |
| (iii) Sarpanch of Cotigao Group Gram Panchayat (the Official from the Local Self Government) | — | Member. |
| (iv) Mamlatdar of Canacona (the Official of the Revenue Department of the Taluka) | — | Member. |
| (v) Shri Nitin Sawant, Ecologist | — | Member. |

F) Dr. Salim Ali Bird Sanctuary

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|--|---|-----------|
| (i) Dy. Conservator of Forests Wildlife and Eco-tourism division, North Goa Panaji Wildlife Warden | — | Chairman. |
|--|---|-----------|

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|---|---------------------|
| (ii) Assistant Conservator of Forest Wildlife and Eco-tourism division North Goa | — Member Secretary. |
| (iii) Sarpanch of Chorao Group Gram Panchayat (the Official from the Local Self Government) | — Member. |
| (iv) Mamlatdar of Tiswadi (the Official of the Revenue Department of the Taluka) | — Member. |
| (v) Shri Nitin Sawant, Ecologist | — Member. |

The terms of reference of these committees shall be as under:-

In consonance with the guidelines issued by the MoEF, GoI (as per the decision of the National Board for Wildlife),

- (i) Propose the extent of Eco-sensitive Zones around the respective Wildlife Sanctuary/ National Park;
- (ii) Justify the requirement of such a zone to act as a shock absorber for the respective WLS/NP;
- (iii) Suggest the best methods for the management of eco-sensitive Zone so proposed;
- (iv) Suggest broad based thematic activities to be included in the Master Plan for the region.

The committees shall submit its final report within one month of the date of issue of this notification.

By order and in the name of the Governor of Goa.

Maria J. R. Pires, Under Secretary (Forests).

Porvorim, 9th November, 2011.

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Department of Labour

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Order

No. 28/38/2011-LAB

Whereas the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s. Andrew Telecommunications India Private Limited, Verna, Salcete, Goa and it's Workman, Shri Vassudev R. Kunkolekar, Shift Leader, in respect of the matter specified in the Schedule hereto (hereinafter referred to as the "said dispute");

And whereas the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by Clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the "said Act"), the Government of Goa hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa at Panaji-Goa, constituted under Section 7-A of the said Act.

SCHEDULE

- "(1) Whether Shri Vassudev R. Kunkolekar, Shift Leader, can be construed as a Workman as per Section 2(s) of the Industrial Disputes Act, 1947 (Central Act 14 of 1947)?
- (2) If the answer to issue No. (1) above is in the affirmative, then, whether the action of the management of M/s. Andrew Telecom-munications India Private Limited, Verna, Salcete, Goa, in terminating the services of it's Workman, Shri Vassudev R. Kunkolekar, Shift Leader, with effect from 15-04-2009, is legal and justified?
- (3) If the answer to issue No. (2) above is in the negative, then, what relief the Workman is entitled to?"

By order and in the name of the Governor of Goa.

Hanumant T. Toraskar, Under Secretary (Labour).

Porvorim, 8th November, 2011.

Order

No. 28/27/2011-LAB

Whereas the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s. Starflex Sealing India Private Limited, Verna, Salcete, Goa and it's Workman, Shri Pankaj Naik, Operator, in respect of the matter specified in the Schedule hereto (hereinafter referred to as the "said dispute");

And whereas the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by Clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to

as the "said Act"), the Government of Goa hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa at Panaji-Goa, constituted under Section 7-A of the said Act.

SCHEDULE

"(1) Whether the action of the management of the M/s. Starflex Sealing India Private Limited, Verna, Salcete, Goa in dismissing its Workman, Shri Pankaj Naik, Operator from services with effect from 02-02-2011, is legal and justified?

(2) If not, what relief the Workman is entitled to?"

By order and in the name of the Governor of Goa.

Hanumant T. Toraskar, Under Secretary (Labour).
Porvorim, 8th November, 2011.

Order

No. 28/35/2011-LAB

Whereas the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s. Paperpack, Kundaim Industrial Estate, Kundaim, Goa and its Workman, Shri Eknath Gaude and ten others represented by the Goa Trade and Commercial Workers' Union, in respect of the matter specified in the Schedule hereto (hereinafter referred to as the "said dispute");

And whereas the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by Clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the "said Act"), the Government of Goa hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa at Panaji-Goa, constituted under Section 7-A of the said Act.

SCHEDULE

"(1) Whether the action of the management of M/s. Paperpack, Kundaim Industrial Estate, Kundaim, Goa, in terminating the services of the following Workmen, with effect from date appearing against their respective names, are legal and justified?

| Sr. No. | Name of workmen | Designation | Date of termination |
|---------|-------------------------|-------------|---------------------|
| (1) | Shri Eknath Gaude | Helper | 01-02-2011. |
| (2) | Shri Gurudas Gaude | Operator | 01-02-2011. |
| (3) | Shri Laxmikant Bhomkar | Helper | 01-02-2011. |
| (4) | Shri Ramdas Kunkoliekar | Operator | 01-02-2011. |
| (5) | Ms. Renuka Kurbal | Helper | 01-02-2011. |
| (6) | Vimal Bhomkar | Helper | 01-02-2011. |
| (7) | Mangal Gaude | Helper | 01-02-2011. |
| (8) | Ms. Reshma Gaude | Helper | 01-02-2011. |
| (9) | Ms. Anita Gaude | Helper | 01-02-2011. |
| (10) | Shri Rajesh Velkaskar | Helper | 05-02-2011. |
| (11) | Shri Poono Naik | Helper | 05-02-2011. |

(2) If not, what relief the Workmen are entitled to?"

By order and in the name of the Governor of Goa.

Hanumant T. Toraskar, Under Secretary (Labour).
Porvorim, 8th November, 2011.

Order

No. 28/32/2011-LAB

Whereas the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s. Starflex Sealing India Private Limited, Verna, Salcete, Goa, and its Workman Shri Avinash Korgaonkar, Operator, in respect of the matter specified in the Schedule hereto (hereinafter referred to as the "said dispute");

And whereas the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the "said Act"), the Government of Goa hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa at Panaji-Goa, constituted under Section 7-A of the said Act.

SCHEDULE

“(1) Whether the action of the management of M/s. Starflex Sealing India Private Limited, Verna, Salcete, Goa, in dismissing from service its Workman Shri Avinash Korgaonkar, Operator, with effect from 02-02-2011 is legal and justified?

(2) If not, what relief the Workman is entitled to?”

By order and in the name of the Governor of Goa.

Hanumant T. Toraskar, Under Secretary (Labour).
Porvorim, 8th November, 2011.

Order

No. 28/28/2011-LAB

Whereas the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s. Starflex Sealing India Private Limited, Verna, Salcete, Goa, and its Workman Shri Suresh W. Jadhav, Operator, in respect of the matter specified in the Schedule hereto (hereinafter referred to as the “said dispute”);

And whereas the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the “said Act”), the Government of Goa hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa at Panaji-Goa, constituted under Section 7-A of the said Act.

SCHEDULE

“(1) Whether the action of the management of M/s. Starflex Sealing India Private Limited, Verna, Salcete, Goa, in dismissing from service its Workman Shri Suresh Waman Jadhav, Operator, with effect from 02-02-2011 is legal and justified?

(2) If not, what relief the Workman is entitled to?”

By order and in the name of the Governor of Goa.

Hanumant T. Toraskar, Under Secretary (Labour).
Porvorim, 8th November, 2011.

Order

No. 28/41/2011-LAB

Whereas the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s. Whispering Palm Beach Resort Private Limited Candolim, Bardez-Goa and its Workman Shri Joseph D'Costa, Junior Human Resource Executive, in respect of the matter specified in the Schedule hereto (hereinafter referred to as the “said dispute”);

And whereas the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the “said Act”), the Government of Goa hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa at Panaji-Goa, constituted under Section 7-A of the said Act.

SCHEDULE

“(1) Whether Shri Joseph D'Costa, Junior Human Resource Executive, could be construed as a ‘Workman’ as defined under clause(s) of Section 2 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947)?

(2) If the answer to the issue No. (1) above is in the affirmative, then, whether the action of the management of M/s. Whispering Palm Beach Resort Private Limited, Candolim, Bardez-Goa, in terminating the services of Shri Joseph D'Costa, Junior Human Resource Executive, with effect from 31-03-2010, is legal and justified?

(3) If the answer to issue No. (2) above is in the negative, then, to what relief the Workman is entitled?”.

By order and in the name of the Governor of Goa.

Hanumant T. Toraskar, Under Secretary (Labour).
Porvorim, 10th November, 2011.

Order

No. 28/43/2011-LAB

Whereas the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s. Zuari Industries Limited,

Zuarinagar, and the Zuari Agro Chemicals Limited Employees' Union (Goa), in respect of the matter specified in the Schedule hereto (hereinafter referred to as the "said dispute");

And whereas the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the "said Act"), the Government of Goa hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa at Panaji-Goa, constituted under Section 7-A of the said Act.

SCHEDULE

"(1) Whether the action of the management of M/s. Zuari Industries Limited, Zuarinagar, in transferring Shri Felix Fernandes, Receptionist-cum-Telecom Assistant, to the Time Office Section as Senior Personnel Assistant, with effect from 01-04-2011, amounts to change in service conditions?

(2) If the answer to the issue No. (1) above is in the affirmative, then, what relief the Workman is entitled to?"

By order and in the name of the Governor of Goa.

Hanumant T. Toraskar, Under Secretary (Labour).
Porvorim, 10th November, 2011.

Notification

No. 28/1/2011-LAB

The following award passed by the Industrial Tribunal-cum-Labour Court, at Panaji-Goa on 29-07-2011 in reference No. IT/17/2002 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

Hanumant T. Toraskar, Under Secretary (Labour).
Porvorim, 8th November, 2011.

IN THE INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT PANAJI-GOA

(Before Smt. Anuja Prabhudessai, Hon'ble
Presiding Officer)

Ref. No. IT/17/2002

Workmen represented by the
President All Goa Employees
and Labourers Union,
C/o. Vincent Dias,
MHN-21, Non-Mon,
Vasco-da-Gama-Goa.

... Workmen/Party I

V/s

M/s. Stardom Tyres Pvt. Ltd.,
Karpe House,
Margao-Goa.

... Employer/Party II

Workmen/Party I represented by Adv. Shri M. P. Almeida.

Employer/Party II represented by Adv. Shri G. B. Kamat.

AWARD

(Passed on this 29th day of July, 2011)

By order dated 01-03-2002, the Government of Goa in exercise of powers conferred by Section 10 (1) (d) of the Industrial Disputes Act, 1947, has referred the following dispute to this Tribunal for adjudication:

"(1) Whether the action of the management of M/s. Stardom Tyres Pvt. Ltd., in terminating the services of the following workpersons with effect from 24-01-2000, is legal and justified?

(1) Shri Lourencio Coutinho, Tyre Machine Operator.

(2) Shri Baban B. Pawar, Tyre Machine Operator.

(3) Shri Prakash Katu Naik, Tyre Machine Operator.

(4) Shri Ramesh Chudo Dessai, Helper.

(5) Shri Rajendra G. Haldankar, Helper.

(6) Shri Santosh alias Anand B. Fal Dessai, Tyre Machine Operator.

(7) Shri Santana Joao Fernandes, Tyre Machine Operator.

(8) Shri Satish Parwatkar, Helper and

(9) Shri Concessecao Gomes, Driver.

(2) If not, to what relief the workpersons are entitled to?"

2. The reference was registered under No. IT/17/2002. Notices were issued to both parties. In pursuance the Party I/Workmen have filed claim statement at Exb. 5. The Party II filed its written statement at Exb. 6 and the rejoinder of Party I is at Exb. 7.

3. The Party II is a Private Limited Company engaged in the business of retreading of tyres. The Party II has a factory at the Industrial Estate at San Jose Areal, Nesai-Margao, Goa. The Party I/Workmen were employed in the said factory. The Party I/Workmen have claimed that the Party II was in habit of not confirming the employees for several years, which was in total disregard to the statutory provisions. The Party I/Workmen have further claimed that the Party II had standard format of appointment letter. The Party I/Workmen were also issued such formatted letters dated 1-3-1999, even though they had not agreed to the terms and conditions stated in the said letter.

4. The Party I/Workmen has claimed that sometime in November, 1999, the Workmen unionized themselves because of the harassment meted out to them by the management of Party II Company. Irked by this fact, the Party II resorted to unfair labour practice and made it impossible for the Workmen to continue in employment. On seeing that the Party I did not succumb to the pressure and harassment, the Party II refused to allow the Workmen to do their work w.e.f. 24-1-2000 and also refused to pay to them their earned wages which necessitated filing of an application under payment of wages Act. The Party II objected to the said application on the ground that the Party I/Workmen has gone on illegal strike w.e.f. 10-12-1999 because of the transfer of Santan Fernandes to Usgao Factory. The Party I/Workmen have claimed that they had filed their reply to the said objections and clarified that there was no factory at Usgao and that the Workmen had not gone on strike but were laid off w.e.f. 24-1-2000.

5. The Party I/Workmen have claimed that they have not resorted to strike but were refused employment with effect from 24-1-2000. The Party I/Workmen have claimed that the action of Party II in refusing work is illegal and unjustified. The Party I/Workmen have claimed that they are unemployed from the date of the refusal of employment. The Party I have therefore claimed that they are entitled for reinstatement with all consequential reliefs.

6. The Party II Company has claimed that the Union has no locus standi to raise the dispute. The Party II has denied having refused employment to the Party I/Workmen. The Party II has claimed that services of Conceissao Gomes were terminated from 1-2-1999 and that services of Santan Fernandes were transferred from factory

at San Jose Areal to Usgao. In view of the above action the remaining seven Workmen went on strike w.e.f. 10-12-1999. The Party II has claimed that no work was carried out in the factory for a period of two and half months. Hence the Party II recruited temporary and casual workers and started work in the factory till 30-6-2001. The Party II has claimed that it has closed the business activities w.e.f. 30-6-2001.

7. Based on the aforesaid pleadings, the following issues were framed:

1. Whether the Workmen/Party I prove that All Goa Employees and Labourers Union has the locus standi to espouse the dispute on their behalf?
2. Whether the Workmen/Party I prove that the Party II terminated their services w.e.f. 24-1-2000?
3. Whether the Workmen/Party I prove that the action of the Party II in terminating their services w.e.f. 24-1-2000 is illegal and unjustified?
4. Whether the Party II prove that its factory is closed from 1-7-2001?
5. Whether the Workmen/Party I are entitled to any relief?
6. What Award?

8. The Workmen, Shri Santana Fernandes and Baban Pawar have deposed in support of their case. The Party II has not adduced any evidence. Lnd. Avd. Shri M. P. Almeida has filed written arguments at Exb. 21, on behalf of Party I. Lnd. Adv. Shri G. B. Kamat who is representing the Party II, has filed written arguments at Exb. 22. I have perused the records and considered the arguments advanced by respective advocates.

9. *Issues No. 1 and 4:* At the outset, it may be mentioned that the Party II had challenged the locus standi of the Union to raise the dispute and had further claimed that the factory at San Jose de Areal is closed w.e.f. 1-7-2001. Issues No. 1 and 4 arise from these pleadings. It is however to be noted that the Party II has not adduced any evidence in support of these issues. The Party II has also not advanced any arguments on these issues on the contrary has stated in the written arguments that the Party II is not pressing these issues. This being the case, issues No. 1 and 4 are held to be not proved.

10. *Issues No. 2 and 3:* At the outset it may be mentioned that by the reference under consideration, this Tribunal is called upon to decide whether the action of the Party II in terminating the services of the Party I/Workmen w.e.f. 24-1-2000 is legal and justified. It may be mentioned that the pleadings at para 11 and 12 of the claim statement clearly indicate that the dispute raised by the Party I before the conciliation was regarding lay off. Whereas the Party II had denied having laid off the Party I/Workmen and had claimed that the Party I/Workmen were on illegal strike w.e.f. 10-12-1999. The reference presupposes termination even though the factum of termination was itself in dispute. In the case of *M/s. Eagle Fashions and Secretary (Labour) and Others*, reported in 1998 (78) F.L.R. 371, the Division Bench of Delhi High Court, after considering the full bench decision of the same Court in the case of *India Tourism Development Corporation v/s Delhi Administration* (1982 Lab IC. 1309), has held that the terms of reference should clearly spell out the real dispute between the parties. It was further held that when the factum of employment and termination itself were in dispute, the terms of reference could not have been so framed as to presume the employment and its termination and confining the reference merely to adjudication of illegality or unjustness thereof. Similarly, in the case of *Mulchand Kharati Ram Hospital K. Union v/s Labour Commissioner and Company* reported in 2001 (1) L.L.N. 920, the question which was referred was whether the Workmen were entitled for wages for the lock out period. The said reference was quashed as the factum of lock out was itself in dispute and the reference did not reflect the real dispute between the parties.

11. In the instant case, the Party I has not produced the copy of the dispute raised before the Labour Commissioner or the copy of the reply/objections filed by the Party II. The Party I has also not produced the minutes of conciliation and the failure report submitted by the conciliation officer. In my considered view, these documents would have certainly thrown light on the nature of dispute raised by the Party I and the stand taken by the Party II Company. Nonetheless, as stated earlier the pleadings at para 11 and 12 of the claim statement indicate that the Party II had disputed the factum of termination and that the real dispute between the parties was whether the Workmen were laid off or whether they had gone on illegal strike. Instead of referring the real dispute between the parties, the

tribunal has been called upon to adjudicate upon the illegality or unjustness of termination when the factum of termination was in dispute. This fact by itself would justify rejection of the reference.

12. Be that as it may, in the claim statement filed before this Tribunal the Party I/Workmen have alleged that they were refused employment w.e.f. 24-1-2000. There can be no dispute that having raised such specific plea, the onus was on the Party I/Workmen to prove that they were refused employment w.e.f. 24-1-2000. In this regard the Party I has examined two Workmen namely, Shri Santan Fernandes and Baban Pawar. Said Santan Fernandes has deposed that by letter dated 9-12-1999 the Party II had transferred his services from factory at San Jose Areal to Usgao factory. This witness has stated that he had refused to accept the said transfer order. In his examination in chief, he has stated that he had worked for the Party II till November, 1999 and that he was not allowed to work from December, 1999. He has further stated that the other Workmen were refused employment from January, 2000. In this cross-examination, he has stated that he had neither reported to Usgao factory nor reported at Margao factory from 10-12-1999. This witness has stated that the Party II had not allowed him to report at Margao factory.

13. The evidence of this witness does not indicate that his service was terminated w.e.f. 24-1-2000. On the contrary the evidence of this witness clearly indicates that his service was transferred to Usgao factory w.e.f. 10-12-1999 and that he had not reported to the factory at Usgao. The evidence of this witness further indicates that he had not reported to the factory at San Jose Areal w.e.f. 10-12-1999. It is therefore evident that this witness could not have had personal knowledge about refusal of employment to the other Workmen w.e.f. 24-1-2000. Thus, the statement of this witness that the other Workmen were refused employment w.e.f. 24-1-2000 is not based on his personal knowledge. This witness has also not disclosed his source of information or the basis for concluding that the other Workmen were refused employment w.e.f. 24-1-2000. This being the case, the evidence of this witness does not in any manner help the Party I in proving that the other Workmen were refused employment w.e.f. 24-1-2000.

14. The second witness Baban Pawar has deposed that he was working for Party II since January, 1996. He has stated that the Workmen had not gone on strike from 10-12-1999. He has

claimed that the Party II had refused to permit the Workmen to work at the factory at San Jose Areal. He has not specified since when the Workmen were refused employment. In his cross-examination, he has stated that he had worked for the Party II from 15-1-1996 till the year 1997. He has stated that he does not know till which month of the year 1997 he had worked for the Party II.

15. The evidence of this witness does not conclusively establish that he was in the employment of the Party II till 24-1-2000 and that the Party II had refused employment to the Party I/Workmen w.e.f. 24-1-2000. The Party I has not examined any other Workmen who were allegedly refused employment nor has the Party II assigned any reasons for not examining the other Workmen. Thus, there is no tangible evidence, either oral or documentary, to prove that the Party II had terminated services of the Workmen or that they were refused employment w.e.f. 24-1-2000. In short, the Party I has failed to adduce cogent and conclusive evidence to prove that the Party II had terminated services of the Party I/Workmen w.e.f. 24-1-2000. This being the case, the issue No. 2 is answered in the negative. Consequently, the issues No. 3 also needs to be answered in the negative.

16. *Issue No. 5:* This issue pertains to the second part of the reference whereby the Tribunal is called upon to decide as to what relief the Party I/Workmen are entitled to in case the termination is held to be illegal. As stated earlier the Party I/Workmen have failed to prove that the Party II had terminated their services w.e.f. 24-1-2000. This being the case the Workmen are not entitled for any relief. Issue No. 5 is answered accordingly.

Under the circumstances and in view of discussion supra, I pass the following order.

ORDER

1. It is held that the management of M/s. Stardom Tyres Pvt. Ltd., had not terminated services of the Party I/Workmen namely (1) Shri Lourencio Coutinho, (2) Shri Baban B. Pawar, (3) Shri Prakash Katu Naik, (4) Shri Ramesh Chudo Dessai, (5) Shri Rajendra G. Haldankar, (6) Shri Santosh alias Anand B. Fal Dessai, (7) Shri Santana Joao Fernandes, (8) Shri Satish Parwatkar and (9) Shri Concessecao Gomes w.e.f 24-1-2000.

2. The Party I/Workmen are not entitled for any relief.

Inform the Government accordingly.

Sd/-
(A. Prabhudessai),
Presiding Officer,
Industrial Tribunal-
cum-Labour Court-I.

Notification

No. 28/1/2011-LAB

The following award passed by the Industrial Tribunal-cum-Labour Court, at Panaji-Goa on 06-07-2011 in reference No. IT/60/1998 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

Hanumant T. Toraskar, Under Secretary (Labour).

Porvorim, 9th November, 2011.

IN THE INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT PANAJI-GOA

(Before Smt. Anuja Prabhudessai, Hon'ble
Presiding Officer)

Ref. No. IT/60/1998

Workmen rep. by the Secretary
Goa Trade and Commercial
Workers Union,
Velho Building, 2nd Floor,
Panaji-Goa.

... Workmen/Party I

V/s

The Proprietor,
M/s. Micro Interconnexion
Pvt. Ltd.,
B-3-12A, Corlim Industrial
Estate,
Corlim, Ilhas-Goa.

... Employer/Party II

Workmen/Party I represented by Adv. Shri Suhas Naik.

Employer/Party II represented by Adv. Shri G. K. Sardessai.

AWARD

(Passed on this 6th day of July, 2011)

The brief facts necessary to decide the reference are as under:

The Party II Company is a Private Limited Company engaged in manufacturing Printed circuit boards. Shri Durgadas Kamat, Mangesh Mayekar, Anand Priolkar, Govind Gaude and Shri Lavu Kundaikar were the employees of the Party II Company. The Party II Company terminated services of these Workmen w.e.f. 14-9-1992. Aggrieved by this action, these Workmen through Goa Trade and Commercial Workers Union (AITUC) raised an industrial dispute. The matter was taken in conciliation. However, the conciliation failed and the Deputy Labour Commissioner submitted a failure report. On receipt of the said report, by order dated 15-7-1998, the Government of Goa, in exercise of powers conferred by section 10 (1) (d) of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal for adjudication.

“(1) Whether the action of the management of the M/s. Micro Interconnexion Pvt. Limited, Corlim Industrial Estate, Corlim, Ilhas, Goa, in terminating the services of their Workmen namely Shri Durgadas Kamat, Mangesh Mayekar, Anand Priolkar, Govind Gaude and Lavu Kundaikar w.e.f. 14-9-1992 is legal and justified?

(2) If not, to what relief the Workmen is entitled?”

2. On receipt of the reference IT/60/98 was registered. Notices were issued to both parties. In pursuance, the Workmen Shri Durgadas Kamat, Mangesh Mayekar, Anand Priolkar and Govind Gaude put in their appearance and filed their statement of claim at Exb. 4. Shri Lavu Kundaikar, the Workman at serial No. 5 of the reference has neither filed his claim statement nor participated in the proceedings. The Employer/Party II has filed its written statement at Exb. 7. The rejoinder of the Workmen is at Exb. 8.

3. The case of the Workmen is that some time in July, 1990, they had joined Goa Trade and Commercial Union (AITUC). The claim of the Workmen is that soon after their unionization the Managing Director of the Party II Company started harassing and victimizing them. The management of the Party II Company continued violating the terms and conditions of the settlement. Hence, the workers resolved to strike work w.e.f. 8-8-1992. The Party II filed a civil suit and obtained ex-parte injunction order restraining the workers from entering into the premises within a radius of 200 meters. The Workmen claim that the Managing Director of the Party II Company and the police

personnel had entered the houses of the workmen at serial Nos. 1 and 2 and threatened and assaulted them and thereafter took them to the police custody at Ribandar Police Station. As a result, the Union lodged a complaint dated 16-9-1992 against the police.

4. Subsequently, the Party II Company terminated the services of the workmen; vide termination orders dated 14-9-1992, for committing the following acts of misconducts:

- a) Wilful insubordination or disobedience (whether or not in combination with another) of any lawful and reasonable order of a Superior.
- b) Wilful slowing down in performance of work or abetment of instigation thereof.
- c) Habitual absence without leave or absence without leave for more than 3 consecutive days or overstaying the sanctioned leave without sanction and without sufficient grounds or proper or satisfactory explanation.
- d) Late attendance on not less than four occasions within a month.
- e) Habitual breach of any Standing Order or any law applicable to the establishment or any rules made thereunder.
- f) Drunkenness, riotous disorderly, indecent, or improper behaviour in the premises of the establishment or outside premises of the establishment if it adversely affects or is likely to affect the working or discipline of the establishment.
- g) Commission of any act subversive of discipline or good behaviour on the premises of the establishment.
- h) Habitual neglect of work or gross or habitual negligence or gross neglect of work or malingering.
- i) Habitual breach of any rules or instructions for the maintenance of the cleanliness of any portion of the establishment.
- j) Damages of loss whether wilful or due to irresponsible action or damage due to negligence or
- k) Breach of any rules on instructions given by Superiors for the proper functioning or safety of the establishment.
- l) Refusal to accept a charge-sheet, order or other communication from the manage-

ment served in accordance with these Standing Orders.

m) Poor or unsatisfactory workmanship.

5. The Workmen have stated that their services were terminated on false and fabricated grounds and by way of victimization. The Workmen have further stated that their services have been terminated without conducting any enquiry and that their termination is illegal, unjustified and unwarranted. The Workmen have stated that Durgadas Kamat had joined services of the Party II Company on 19-2-1987 and that his last drawn salary was Rs. 1500/-. Shri Mangesh Mayekar had joined services of the Party II Company on 20-5-1982 and that his last drawn salary was Rs. 1800/-. Anand Priolkar had joined services of the Party II Company on 17-12-1987 and that his last drawn salary was Rs. 1300/-. Govind Gaude had joined services of the Party II Company on 21-10-1988 and that his last drawn salary was Rs. 1000/-. Lavu Kundaikar had joined services of the Party II Company on 1-4-1988 and that his last drawn salary was Rs. 1100/-. The Workmen have stated that they have worked for the Party II continuously for over 10 years and that their service records were unblemished. The Workmen have therefore sought reinstatement with full back wages and continuity in service.

6. The Party II has claimed that the dispute has been raised after an inordinate delay. The Party II has stated that it is unable to trace the documents and files pertaining to the dispute and is unable to contest the dispute effectively. The Party II therefore claims that the delay in raising the dispute has prejudiced its defence.

7. The Party II has denied that the services for the Party I/Workmen were terminated on false and fabricated grounds or by way of victimization. The Party II has stated that the services of Party I/Workmen were terminated for the reasons stated in the termination order. The Party II has denied that the termination is illegal or unjustified. The Party II has stated it was not mandatory to conduct a domestic enquiry and in any event, it was not possible to conduct an enquiry due to the attitude of Party I workmen and the nature of the charges. The Party II has stated that the Party I/Workmen were responsible for the fall in the quality as well as the production that virtually lead to closure of the Industry. The Party II had sought leave of the Tribunal to lead evidence in support of the charges spelt out in the letters of termination dated 14-9-1992. The Party II has

stated that Lavu Kundaikar has settled his dispute and that the other Workmen are gainfully employed. The Party II therefore claims that the Party I/Workmen are not entitled for any relief.

8. Based on the aforesaid pleadings following issues were framed:

1. Whether the Workmen/Party I proves that termination of their services by the Employer/Party II is by way of victimization.
2. Whether the Workmen/Party I proves that the action of the Employer/Party II of terminating their services w.e.f. 14-9-1992 is illegal and unjustified?
3. Whether the Employer/Party II proves that the reference is not maintainable for the reasons stated in Para (a) (b) and (c) of the written statement.
4. Whether the Employer/Party II proves that the dispute of the workman Shri Lavu Kundaikar is settled and hence, the reference of the dispute in relation to him does not survive?
5. Whether the Employer/Party II proves that the Workmen/Party I are guilty of the charges of misconduct?
6. Whether the Workmen/Party I are entitled for any relief?
7. What Award?

9. Shri R. D. Mangeshkar, the General Secretary of the Union and the Workmen have examined themselves. The Party II has examined its Managing Director Shri Anil Kher.

10. Lnd. Adv. Shri P. Chawdikar has argued on behalf of the Party II. No arguments have been advanced on behalf of the Workmen despite opportunity given. I have perused the records and considered the arguments advanced by Lnd. Adv. Shri Chawdikar.

11. At the outset, it may be mentioned that during the course of the proceedings, the matter was placed before Lok Adalat wherein Shri Mangesh Mayekar, the Workman at serial No. 2 of the reference and the Party II entered in to a settlement. In terms of the said settlement, which is at Exb. 18, the Party II agreed to pay to the Workman Shri Mangesh Mayekar a lumpsum compensation of Rs. 1,50,000/- (Rupees one lakh fifty thousand only) to be paid on or before 20-2-2008. Accordingly, the Party II deposited

Rs. 1,50,000/- under application at Exb. 21 and the said amount has been received by Shri Mangesh Mayekar under receipt at Exb. 21A. Thus, the dispute between the Workman Mangesh Mayekar and the Party II is resolved as per the settlement/ Award at Exb. 18. In view of this, I shall proceed to adjudicate upon the dispute in respect of the other Workmen at Sr. No. 1, 3 to 5 of the reference.

12. *Issue No. 3:* I shall first take this issue for discussion as it pertains to the maintainability of the reference. The Party II has challenged the maintainability of the reference on the ground that there is inordinate delay in raising the dispute. The Party II has averred that it is unable to trace the relevant documents and that the delay in raising the dispute has prejudiced its defence.

13. Before advertng to the facts of the case, it is advantageous to refer to the decisions of the Apex Court in the case of **Kuldeep Singh v/s G. M., Instrument Design Development and Facilities Centre & Anr.** reported in **2010(13)Scale 142**, the Apex Court has held as under: "...law can be summarized that there is no prescribed time limit for the appropriate Government to exercise its powers under Section 10 of the Act. It is more so in view of the language used, namely, if any industrial dispute exists or is apprehended, the appropriate Government "at any time" refer the dispute to a Board or Court for enquiry. The reference sought for by the Workman cannot be said to be delayed or suffering from a lapse when law does not prescribe any period of limitation for raising a dispute under Section 10 of the Act. The real test for making a reference is whether at the time of the reference dispute exists or not and when it is made it is presumed that the State Government is satisfied with the ingredients of provision, hence the Labour Court cannot go behind the reference. It is not open to the Government to go into the merit of the dispute concerned and once it is found that an industrial dispute exists then it is incumbent on the part of the Government to make reference. It cannot itself decide the merit of the dispute and it is for the appropriate Court or Forum to decide the same. The satisfaction of the appropriate authority in the matter of making reference under Section 10(1) of the Act is a subjective satisfaction. Normally, the Government cannot decline to make reference for laches committed by the Workman. If adequate reasons are shown, the Government is bound to refer the dispute to the appropriate Court or Forum for adjudication. Even though, there is no limitation prescribed for reference of dispute to

the Labour Court/Industrial Tribunal, even so, it is only reasonable that the disputes should be referred as soon as possible after they have arisen and after conciliation proceedings have failed, particularly, when disputes relate to discharge of workman. If sufficient materials are not put forth for the enormous delay, it would certainly be fatal."

14. Similarly, in the case of **Guest, Keen, Williams Pr. Limited v/s P. J. Sterling reported in AIR 1959 SC 1279** it has been held that "*In dealing with industrial disputes the application of technical legal principles should as far as is reasonably possible be avoided... An industrial dispute has to be raised by the union before it can be referred; and it is not unlikely that the union may not be persuaded to raise a dispute though the grievance of a particular workman or a number of workmen may otherwise be wellfounded; then again, even if the union takes up a dispute the State Government may or may not refer it to the industrial tribunal. The discretion of the State Government under S. 10 of the Industrial Disputes Act is very wide. Thus, workmen affected by standing orders may not always and in every case succeed in obtaining a reference to the industrial tribunal on the relevant points. That is why the tribunals should be slow and circumspect in applying the technical principles of acquiescences and estoppel in the adjudication of industrial disputes. If a dispute is raised after a considerable delay which is not reasonably explained the tribunal would undoubtedly take that fact into account in dealing with the merits of the dispute. But unless the relevant facts clearly justify such a course it would be inexpedient to throw out the reference on preliminary technical objections of the kind..."*

15. In the instant case, the services of the Party I/Workmen were terminated on 14-9-1992. The said Workmen had raised a dispute (Exb. W-3) through the Union on 03-8-1996. The Dy. Labour Commissioner submitted the failure report on 30-12-1997 (Exb. W-5) and the Government referred the dispute on 15-07-1998. The records therefore indicate that the Party I/Workmen had raised the dispute after over three years from the date of termination. Shri R. D. Mangeshkar, the General Secretary of the Union has stated in his affidavit in evidence that after their termination, the Workmen had approached the Employer and that the Employer had assured them that they would be taken back in services provided they completely disassociated themselves with the Union activities. This witness

has further stated that in view of the assurance given by the Employer, the Workmen continued visiting the factory almost every alternate month. He has deposed that despite such oral assurances, the employer did not revoke the termination order on the ground that factory was not doing good business and there were financial difficulties. Finally, in the month of July, 1996 the Workmen associate themselves with Goa Trade and Commercial Workers Union for raising an Industrial Dispute and that the Union raised the dispute vide its letter dated 3-8-1996.

16. In my considered opinion the aforesaid statement sufficiently explains the delay in raising the dispute. It is also to be noted that the claim of the workmen cannot be rejected on such technical grounds unless there is material on record to show that the delay in raising the claim has in any manner prejudiced the defence of the Employer. In the instant case, the Party II had averred in the written statement that its defence is prejudiced as it cannot trace and produce the relevant documents due to the delay in raising the claim. It is however to be noted that the evidence of Shri Anil Kher does not indicate that any prejudice whatsoever was caused to the Party II due to the delay in raising the claim. There is absolutely no evidence to substantiate the plea of prejudice.

17. It is also pertinent to note that on receipt of the dispute at (Exb. W-3), the Asst. Labour Commissioner vide notices dated 23-8-1996 and 29-8-1996 (Exb. W-8 colly.), had called upon the Party to attend the discussion/conciliation proceedings. The minutes and the failure report at (Exb. W-6 & W-5) clearly indicate that the Party II had declined to attend the conciliation proceedings even though the notice was duly served and the Managing Director was contacted on the phone. If at all, the plea of prejudice was bonafide and genuine, the Party II would have certainly raised the same before the conciliation officer. The fact that the Party II had not attended the conciliation proceedings and had not raised the plea at the earliest available opportunity leads to an inference that the plea is not bonafide and genuine. This being the case, the Party II has failed to prove that the delay in raising the dispute has prejudiced its defence in any manner. Hence, the reference cannot be rejected on such technical grounds. Issue No. 3 is therefore answered in the negative.

18. *Issue No. 1:* The Party I/Workmen had stated in the claim statement that they were being harassed and victimized because of their Union

activities. It was averred that the management of the Party II had stopped paying earned wages to the unionized workmen and that the Managing Director of the Party II had threatened them with dire consequences. It is well settled that mere allegations or insinuations cannot be proof of victimization. Similarly, the fact that the employee is an active member or office bearer of the union does not per se lead to an inference of victimization. The allegation of victimization being a serious matter reflecting upon the subjective attitude and conduct of the employer, has to be pleaded with all specific particulars and established by safe and conclusive evidence. In the instant case, none of the Workmen who have deposed before this Tribunal has made any statement about harassment and victimization. The Party I/Workmen have not substantiated the pleadings of victimization by adducing any cogent and conclusive evidence. Hence, the plea of victimization has no merits. Issue No. 1 is therefore answered in the negative.

19. *Issue Nos. 2 & 5 :* It is not in dispute that the services of the Workmen were terminated vide termination orders dated 14-9-1992, which are at Exb. W-2 colly. Undisputedly, termination of these Workmen was not simplicitor but was punitive. The Party II has admitted that no domestic inquiry was conducted before terminating the services of these Workmen. It is well settled that an Employee cannot be punished for misconduct without an enquiry and in contravention of the principles of natural justice. It is equally well-recognized judicial principle that an employee cannot be straight away reinstated only because no enquiry is held or the enquiry held is defective.

20. In the case of **Workmen of Fire Stone Tyre Rubber Company v. Management [1973(1) LLJ 78]** the Apex Court has held that: "*Even if no enquiry has been held by an Employer or if the enquiry held by him is found to be defective, the Tribunal in order to satisfy itself about the legality and validity of the order, had to give an opportunity to the Employer and Employee to adduce evidence before it. It is open to the Employer to adduce evidence for the first time justifying his action, and it is open to the Employee to adduce evidence contra.*"

21. In the case of **Amar Chakravarty & Ors. v/s Maruti Suzuki India Limited reported in 2010 (12) Scale 536**, the Apex Court after considering the principles laid down in the case of *Karnataka State Road Transport Corpn. v. Lakshmiddevamma (Smt.) & Anr.*, 2001 (5) SCC 433

and Workmen of M/s Firestone Tyre & Rubber Co. of India (Pvt.) Ltd. v. Management & Ors., 1973 (1) SCC 813 has held that - *"In view of the aforesaid position in law, the inevitable conclusion is that when no enquiry is conducted before the service of a workman is terminated, the onus to prove that it was not possible to conduct the enquiry and that the termination was justified because of misconduct by the employee, lies on the management. It bears repetition that it is for the management to prove, by adducing evidence, that the workman is guilty of misconduct and that the action taken by it is proper. In the present case, the services of the appellants-workmen having been terminated on the ground of misconduct, without holding a domestic enquiry, it would be for the management to adduce evidence to justify its action. It will be open to the appellants-Workmen to adduce evidence in rebuttal."*

22. In the instant case, The Party II has stated that it was not feasible to conduct an inquiry considering the attitude of the Party I/Workmen as well as the nature of charges. The Party II had sought leave to adduce evidence before this Tribunal and had an opportunity of proving the charges levelled against the Party I/Workmen. Hence, it is necessary to scrutinize the evidence adduced by the Party II before this Tribunal and ascertain whether the Party II has proved that these Workmen were guilty of misconduct and that the order of termination was justified.

23. It may be mentioned that the termination letters dated 14-9-1992 at Exb. 2 colly, indicate that the services of the Workmen were terminated for the alleged acts of misconducts such as: irregular/late attendance, causing loss to the due to negligent as well as deliberate acts, unsatisfactory work, abandoning/abstaining from work, threatening co-workers and supervisory staff, pelting stones on the car in which the supervisory staff and the Managing Director were travelling etc. Since the Party II had terminated services of these Workmen without an inquiry, it was required to plead and prove the acts of misconduct, which necessitated issuance of the charge-sheets to these Workmen. It is to be noted that in the written statement, the Party II has merely stated that the services of the workmen were terminated for the reasons stated in the termination letters. The Party II had further stated that the Party I/Workmen were responsible for fall in the quality as well as production which virtually led to the closure of the factory. Apart from these vague statements, the Party II has not

given any details in respect of the acts which allegedly constituted misconduct or which led to the closure of the Factory.

24. It is also to be noted that in his evidence before the Tribunal, Shri Anil Kher, the Managing Director of the Party II has deposed that the Party I workers had resorted to illegal acts such as rioting, threatening him, assaulting his workers and stoning his car. This statement is equally vague. This witness has not given particulars such as date, time, and place of the incident. The Party II has not examined the Workers who were allegedly threatened and assaulted and on whose car the stones were pelted. The Party II has also not examined any other person who had witnessed any such incident. Thus, there is absolutely no evidence, either oral or documentary to corroborate the evidence of Shri Anil Kher.

25. It is also pertinent to note that the Party I/Workmen have filed their affidavit in evidence wherein they have specifically stated that they had not committed any act of misconduct referred to in the termination letters at Ex. W- 2 colly. These Workmen have stated that the said allegations are false and were made with a sole intention of terminating their services. These Workmen have also deposed that the Party II had not conducted enquiry and had not made any efforts to enquire into the said charges. These Workmen have deposed that their termination is illegal, unjustified and bad in law. It may be mentioned that apart from a bare suggestion that the Workmen had committed acts of misconduct stated in the letters of termination at Ex. W-2 colly, the Party II has not elucidated any further evidence to prove the charges levelled against them. It is true that the charges levelled against the Workmen are not required to be proved to the hilt but in the instant case there is no proof of misconduct even by preponderance of probabilities. Thus, the Party II has failed to prove that it was not possible to conduct the enquiry. The Party II has also failed discharge the initial burden of proving the acts of misconduct referred to in the termination letters issued to the Party I/Workmen and has further failed to prove that the termination was justified. Under the circumstances the termination of the Party I/Workmen is held to be illegal and unjustified. Hence, the Issue No. 2 is answered in the affirmative and the issue No. 5 is answered in the negative.

26. *Issue No. 4:* The Party II has claimed that the Workman Shri Lavu Kundaikar had settled the dispute even prior to the reference and as such, the reference in respect of this Workman is not maintainable. It is to be noted that despite due service of the notice, Shri Lavu Kundaikar, the Workman at serial No. 5 of the reference has not appeared before the Tribunal. He has not filed his claim statement and has not participated in these proceedings in any manner. The Managing Director of the Party II, Shri Anil Kher has deposed that Lavu Kundaikar, the Workman at serial No. 6 of the reference had settled the dispute prior to the reference. This statement has gone unchallenged. This fact coupled with the fact that said Lavu Kundaikar has not participated in these proceedings in any manner gives credence to the statement of Shri Kher and leads to an inference that the dispute between said Lavu Kundaikar and the Party II is already settled. Hence issue No. 4 is answered in the affirmative.

27. *Issue No. 6:* The termination of the Party I/Workmen is held to be illegal and unjustified. The question therefore arises about the relief the workmen are entitled for. It may be mentioned that in the case of **In-charge Officer & Anr. v/s. Shankar Shetty 2010(9) Sec 126 and Senior Superintendent Telegraph (Traffic) Bhopal v/s. Santosh Kumar Seal & Ors AIR 2010SC 2140**, the Apex Court has held that relief by way of reinstatement with back wages is not automatic even if termination of an Employee is found to be illegal or is in contravention of the prescribed procedure and that monetary compensation in lieu of reinstatement and back wages in case of such nature may be appropriate.

28. In the instant case, the dispute between Mangesh Mayekar is settled before the Lok Adalat as per the terms of the settlement at Exb. 18. Similarly the dispute between Lavu Kundaikar and the Party II is already settled and as such, these Workmen are not entitled for any further relief. As regards the remaining three Workmen namely: Shri Durgadas Kamat, Anand Priolkar, and Govind Gaude, it is to be noted that a period of over eighteen years has lapsed since the date of termination of their services. Though these Workmen have stated that they are unemployed, they have not specified as to how they have been maintaining themselves and their families during this interregnum period. In the absence of such evidence, it is difficult to believe that these Workmen are not gainfully employed. Hence, in my considered view these three Workmen are not

entitled for the relief of reinstatement and that the ends of justice would be met by granting lump sum compensation of Rs. 1,50,000/- to each of these three Workmen, at serial Nos. 1, 3, & 4 of the reference.

Under the circumstances and in view of discussion supra, I pass the following order.

ORDER

1. The action of the management of the M/s. Micro Interconnexion Pvt. Limited, Corlim Industrial Estate, Corlim, Ilhas, Goa, in terminating the services of the Party I/Workmen Shri Durgadas Kamat, Anand Priolkar, Govind Gaude and Lavu Kundaikar w.e.f. 14-9-1992, is illegal and unjustified.
2. The Party II is directed to pay to each of the Party I/Workmen namely, Shri Durgadas Kamat, Anand Priolkar and Govind Gaude monetary compensation of Rs.1,50,000/- (Rupees One lakh fifty thousand only) within two months from the date of publication of award failing which the same shall carry interest at the rate of 9% p.a.
3. The Workman Lavu Kundaikar, is not entitled for any relief.

Inform the Government accordingly.

Sd/-
(A. Prabhudessai),
Presiding Officer,
Industrial Tribunal-
-cum-Labour Court-I.

Department of Law and Judiciary

Law (Establishment) Division

Order

No. 8/34/2005-LD (Estt.)Part/1832

- Read: i) Order No. 4/3/2/2004-LD-Estt(II) dated 24-05-2006.
ii) Corrigendum No. 4/3/2/2004/LD-Estt(II) dated 01-06-2006.
iii) Order No. 8/34/2005/LD(Estt)(Pt.) dated 19-02-2008.

On the recommendation of the Goa Public Service Commission vide their letter Nos. COM/II/11/58(3)/2004/1727 dated 3-11-2009 and COM/II/11/58(1)/2011/1239 dated 28-10-2011, ex-post facto approval of the Government is accorded to

extend the ad hoc promotion of the following Civil Registrars-cum-Sub-Registrars for a period as shown below:-

(i) Smt. Pressy Coutinho (Retired on 31-10-2009)

- a. 29-06-2006 to 28-12-2006.
- b. 29-12-2006 to 28-06-2007.
- c. 29-06-2007 to 28-12-2007.
- d. 29-12-2007 to 28-06-2008.
- e. 29-06-2008 to 28-12-2008.
- f. 29-12-2008 to 28-06-2009.
- g. 29-06-2009 to 31-10-2009.

(ii) Shri Vithal T. Talwar (Retired on 31-08-2009)

- a. 12-07-2006 to 11-01-2007.
- b. 12-01-2007 to 11-07-2007.
- c. 12-07-2007 to 11-01-2008.
- d. 12-01-2008 to 11-07-2008.
- e. 12-07-2008 to 11-01-2009.
- f. 12-07-2009 to 31-08-2009.

(iii) Shri Sukha V. Govenkar (Retired on 31-12-2009)

- a. 03-10-2006 to 02-04-2007.
- b. 03-04-2007 to 02-10-2007.
- c. 03-10-2007 to 02-04-2008.
- d. 03-04-2008 to 02-10-2008.
- e. 03-10-2008 to 02-04-2009.
- f. 03-04-2009 to 31-12-2009.

By order and in the name of the Governor of Goa.

N. P. Singnapurker, Under Secretary, Law (Estt.).

Porvorim, 9th November, 2011.

Corrigendum

No. 8/8/2011-LD(Estt)/1834

Read: Government Order No. 8/8/2011/LD(Estt)/1333 dated 08-08-2011.

In the 1st line of the 1st para of the above cited Order the name may be read as Shri Vassudev T. Hadkonkar instead of Shri Vassudev T. Adkonkar.

The other contents of the above order remains the same.

By order and in the name of the Governor of Goa.

N. P. Singnapurker, Under Secretary, Law (Estt.).

Porvorim, 11th November, 2011.

Department of Personnel

—
Order

No. 6/12/2011-PER

Read: Order No. 6/2/2011-PER dated 27-10-2011.

In partial modification of Order No. 6/2/2011-PER dated 27-10-2011, read in preamble, Shri Gurudas P. Pilarnekar, under orders of transfer as Secretary, Goa Human Rights Commission, is transferred and posted as Joint Secretary (GA), Secretariat, Porvorim, with immediate effect, thereby relieving Shri Yatindra M. Maralkar, Joint Secretary (Personnel), of the additional charge.

Shri Pilarnekar, shall continue to hold additional charge of the post of Director of State Lotteries, until further orders. He shall also hold charge of the post of Secretary, Goa Konkani Academy, in addition to his own duties, thereby relieving Shri Meghanath Porab, General Manager (DIC), of the additional charge, with immediate effect and until further orders.

Shri M. B. Kumthekar, Custodian of Evacuee Property, shall continue to hold charge of the post of Secretary, Goa Human Rights Commission, until further orders.

By order and in the name of the Governor of Goa.

Umeshchandra L. Joshi, Under Secretary (Personnel-I).

Porvorim, 11th November, 2011.

Order

No. 3/23/93-PER(Part-I)

Shri S. K. Waradkar, SFS, Dy. Conservator of Forests, Wild Life & Eco-Tourism (South), shall hold the charge of the post of Dy. Conservator of Forests Research & Utilization, Margao-Goa, with immediate effect in addition to his own duties until further orders.

By order and in the name of the Governor of Goa.

N. P. Singnapurker, Under Secretary (Personnel-II).

Porvorim, 9th November, 2011.

Order

No. 6/4/2006-PER-IV

Whereas, Government is pleased to depute five Officers for undergoing the Executive MBA (Post

Graduate Diploma Management) (Part Time) (1st Batch) 2011-14 to be conducted by the Goa Institute of Management, Ribandar-Goa, for a period of 2 years plus, from June, 2011, in terms of Notification No. 6/4/2006-PER dated 07-12-2006 notified in Government Gazette, Series I No. 40 dated 04-01-2007.

2. And Whereas, after scrutinizing the applications of the above Officers, the Goa Institute of Management, vide its letter dated 01-08-2011 has recommended the following five names of the Officers for undergoing the Executive MBA:

| Sr. No. | Name |
|---------|----------------------|
| G1 | Shri James Mathew. |
| G2 | Shri Deepak Desai. |
| G3 | Dr. Manoj Choukuse. |
| G4 | Dr. Reena Choudhary. |
| G5 | Dr. Shilpa Waikar. |

3. And Whereas, Shri Deepak Desai figuring at Sr. No. G2 above has made a written request to discontinue him from attending the Executive M.B.A. Course due to administrative reasons.

4. And Whereas, the request of Shri Deepak Desai has been considered by the Government to discontinue him from the said Course.

5. And Whereas, Shri Akash S. Kantak, Network/Database/System Administrator under Department of Information Technology, has made a request to the Government to consider him for sponsorship at Goa Institute of Management, Ribandar, Goa, who has already enrolled himself for undergoing the Exe. M.B.A. (PGDM-PT) (1st Batch) 2011-14 at his own cost, in one of the seat vacated by the candidates for this year.

6. And Whereas, the Government has agreed to allot the sponsorship to Shri Akash S. Kantak, Network/Database/System Administrator under Department of Information Technology to continue the Exe. M.B.A. Course, against the vacancy of Shri Deepak Desai.

7. Now, therefore, sanction of the Government is hereby accorded to depute the following five Officers for undergoing the said Executive M.B.A., 1st Batch for the year 2011-14 for a period of 2 years plus, from June, 2011, under the terms and conditions stipulated thereunder in terms of

Notification No. 6/4/2006-Per dated 07-12-2006 notified in the Government Gazette, Series I No. 40 dated 04-01-2007.

| Sr. No. | Name |
|---------|-----------------------|
| G1 | Shri James Mathew. |
| G2 | Shri Akash S. Kantak. |
| G3 | Dr. Manoj Choukuse. |
| G4 | Dr. Reena Choudhary. |
| G5 | Dr. Shilpa Waikar. |

Terms and Conditions

- All the fees payable towards this study programme shall be borne by the Government. The study programme is normally Scheduled on weekends or after Office hours during the week. No TA/DA shall be paid to the Officers to attend the classes.
- The sponsored Officers are expected to complete the programme within the time period of two years. However, extension of additional three years may be granted for passing examination.
- The sponsored Officers are required to execute bond stating that he/she will not leave the job for five years from the date of admission to the said course, failing which he/she is liable for refund of expenditure incurred by the Government towards the course, fees etc. alongwith the interest thereon at the rate of 11.5% from the date of admission to the said course till full and final payment and such other expenses as to be assessed by the Government.

The expenditure on this account shall be debited to the Budget Head: Demand No. 2, 2052—Secretariat General Services, 00—, 003—Training, 01—Executive MBA (Post Graduate Diploma Management) for Government Employees, 28—Professional Services.

By order and in the name of the Governor of Goa.

N. P. Singnapurker, Under Secretary (Personnel-II).

Porvorim, 14th November, 2011.

Department of Power
Office of the Chief Electrical Engineer

—
Order

No. CEE/Estt-31-25-88/GPSC/Part-III(B)/Vol-II/4012

Government is pleased to order the transfer and posting of the following Assistant Executive Engineer (Elec.)/Assistant Engineers (Elec.) of Electricity Department in the offices as shown below against their respective names, with immediate effect, in public interest:

| Sr. No. | Name of Officer | Present place of working | Place of posting on transfer |
|---------|---|--|--|
| 1 | 2 | 3 | 4 |
| 1. | Shri Uday S. Vernekar, Assistant Executive Engineer (Elec.) | Technical Section, o/o the Executive Engineer, Elec. Divn. I, Panaji with additional charge of Internal Verification Unit in the o/o Chief Electrical Engineer, Panaji | Shift duty at 200KV Sub-Station, Ponda under Elec. Divn. III, Ponda, vice Shri Naresh M. Pokale, transferred. |
| 2. | Shri Naresh M. Pokale, Assistant Engineer (Elec.) | Shift duty at 220 KV Sub-Station, Ponda under Elec. Divn. III, Ponda | 220/33 KV & 2x50 MVA Sub-Station, Amona under Elec. Divn. IX, Tivim, against newly created post vide Govt. order dated 6-4-2010. |
| 3. | Shri Baby Mathew, Assistant Executive Engineer (Elec.) | R. T. Unit (MRT) under Elec. Divn. VIII (MRT), Margao | Technical Section, o/o the Executive Engineer, Elec. Divn. I, Panaji vice Shri Uday S. Vernekar, transferred. |
| 4. | Shri Raghvendra D. Naik, Assistant Engineer (Elec.) | Technical Section, o/o the Superintending Engineer, Elec. Circle I(S), Margao | Shift duty at 200 KV Sub-Station, Ponda under Elec. Divn. III, Ponda vice Shri D. Gireesan transferred. |
| 5. | Shri D. Gireesan, Assistant Engineer (Elec.) | Shift duty at 220 KV Sub-Station, Ponda under Elec. Divn. III, Ponda | Shift duty at 220 KV Sub-Station, Tivim under Elec. Divn. IX, Tivim vice Shri Williams P. A., transferred. |
| 6. | Shri Williams P. A., Assistant Executive Engineer (Elec.) | Shift duty at 220 KV Sub-Station, Tivim under Elec. Divn. IX, Tivim | Elec. Sub-Divn. III, Valpoi under Elec. Divn. V, Bicholim, thereby relieving Shri Anthony C. R. Rodrigues, Assistant Engineer (Elec.) from the additional charge. |
| 7. | Shri Sudhakaran T. K., Assistant Executive Engineer (Elec.) | Elec. Sub-Divn. I, Bicholim under Elec. Divn V, Bicholim | Elec. Sub-Divn. III, (Sub-Stores), Tivim under Elec. Divn. II (S&W), Margao, thereby relieving Shri Vivekanand M. Bandekar, Assistant Engineer (Elec.) from the additional charge. |
| 8. | Shri N. Krishna Acharya, Assistant Executive Engineer (Elec.) | Elec. Sub-Divn. II, Ponda under Elec. Divn X, Ponda | Elec. Sub-Divn. I, Bicholim under Elec. Divn. V, Bicholim vice Shri Sudhakaran T. K., (Elec.) transferred. |

| 1 | 2 | 3 | 4 |
|-----|---|---|--|
| 9. | Shri Deepak K. Naik, Assistant Executive Engineer (Elec.) | Technical Section, O/o the Executive Engineer, Elec. Divn. IV, Margao with Additional charge of Elec. Sub-Divn. II, Benaulim under Elec. Divn. IV, Margao | Elec. Sub-Divn. II, Benaulim under Elec. Divn. IV, Margao. |
| 10. | Shri Vithal G. Haldankar, Assistant Engineer (Elec.) | Elec. Sub-Divn. I, Xeldem under Elec. Divn. XII, Xeldem | Technical Section, O/o the Executive Engineer, Elec. Divn. XIV, Verna Plateau vice Shri Gangadharan G. transferred. |
| 11. | Shri Gangadharan G., Assistant Executive Engineer (Elec.) | Technical Section, O/o the Executive Engineer, Elec. Divn. XIV, Verna Plateau | Elec. Sub-Divn. I, Xeldem under Elec. Divn. XII, Xeldem vice Shri Vithal G. Haldankar, transferred. |
| 12. | Shri Maruthi M. Shiroor, Assistant Executive Engineer (Elec.) | Elec. Sub-Divn. III, Agarwada under Elec. Divn. XVII, Mapusa | Elec. Sub-Divn. I, Pernem under Elec. Divn. XVII, Mapusa vice Shri Mallappa Hullalada, transferred. |
| 13. | Shri Mallappa Hullalada, Assistant Executive Engineer (Elec.) | Elec. Sub-Divn. I, Pernem under Elec. Divn. XVII, Mapusa | Elec. Sub-Divn. III, Agarwada under Elec. Divn. XVII, Mapusa vice Shri Maruthi M. Shiroor, transferred. |

1) Shri Gangadharan G., Assistant Executive Engineer (Elec.) shall move first.

2) Shri Jose Elizeu D'Mello, Assistant Engineer (Elec.) EHV Section O/o the Chief Electrical Engineer, Panaji shall relieve Shri Baby Mathew, Assistant Executive Engineer (Elec.) from R. T. Unit (MRT), Margao and shall hold the charge of the said office in addition to his own duties until further orders.

3) They should report to the new place of posting immediately without availing joining time and any kind of leave.

By order and in the name of the Governor of Goa.

Nirmal Braganza, Chief Electrical Engineer & ex officio Addl. Secretary.

Panaji, 10th November, 2011.

Order

No. CEE/Estt-31-25-88/GPSC/Part-III(B)/Vol-II/4013

On the recommendation of the Departmental Promotion Committee as conveyed by the Goa Public Service Commission vide letter No. COM/II/11/16(1)/2011/183 dated 20-9-2011, the Government is pleased to promote the following Junior Engineers (Elec.) to the post of Assistant Engineer (Elec.), Group 'B' Gazetted in the pay scale PB—2, ` 9,300-34,800+GP ` 4,600/- on regular basis, with immediate effect and to post them in the offices as shown below against their respective names:

| Sr. No. | Name of the official | Present place of working | Place of posting on transfer promotion |
|------------|-------------------------|--|--|
| 1 | 2 | 3 | 4 |
| 1. | Shri H. Giridhar | Technical Section, O/o the Executive Engineer, Elec. Divn. XI, Vasco | Technical Section, O/o the Superintending Engineer, Elec. Circle I(S), Margao vice Shri Raghvendra D. Naik, Assistant Engineer (Elec.) transferred. |

| 1 | 2 | 3 | 4 |
|----|---------------------|--|---|
| 2. | Shri K. P. Vikraman | O/o the Sub-Divisional Engineer, Elec. Sub-Divn. II, Vasco under Elec. Divn. XI, Vasco | Technical Section, O/o the Executive Engineer, Elec. Divn. IV, Margao vice Shri Deepak K. Naik, Assistant Executive Engineer (Elec.) transferred. |
| 3. | Shri Mahadevappa | O/o the Sub-Divisional Engineer, Elec. Sub-Divn. I, Curchorem under Elec. Divn. VII, Curchorem | Technical Section, O/o the Executive Engineer, Elec. Divn. X, Ponda with additional charge of Elec. Sub-Divn. IV (Sub-Stores), Ponda under Elec. Divn II (S&W), Margao, thereby relieving Shri P. K. Madhvan, Assistant Executive Engineer (Elec.) and Shri T. Gokula, Assistant Executive Engineer (Elec.) from the respective additional charges. |

The above promotion is further subject to the decision of Writ Petition No. 792/2008 filed by Shri Ramdas Yesso Salelkar and 7 others before the Hon'ble High Court of Bombay at Goa.

The promottee Officers shall be on probation for a period of two years. They should exercise an option for fixation of pay under F.R-22(1)(a)(i) within one month from the date of promotion.

Shri P. K. Madhavan and Shri T. Gokula, Assistant Executive Engineers (Elec.), shall hand over the additional charges to Shri Mahadevappa.

Shri P. K. Madhavan shall continue to assist the Executive Engineer, Elec. Divn. X, Ponda for conducting on going training of newly appointed Junior Engineers (Elec.) for the period until the training schedule is completed.

On joining their new assignments, they should send the copy of C.T.C/joining report to this office immediately. In case of refusal of promotion, they shall be debarred for promotion for a period of one year from the date of refusal of promotion.

By order and in the name of the Governor of Goa.

Nirmal Braganza, Chief Electrical Engineer & ex officio Addl. Secretary.

Panaji, 3rd November, 2011.

Order

No. CEE/Estt-31-25-88/GPSC/Part-III(B)/Vol-II/4014

On the recommendation of the Departmental Promotion Committee as conveyed by the Goa Public Service Commission vide letter No. COM/II/11/16(1)/2011/183 dated 20-9-2011, the Government is pleased to promote, Shri J. N. Revannaswamy, Junior Engineer (Elec.) to the post of Assistant Engineer (Elec.), Group 'B' Gazetted in the pay scale PB—2 ` 9,300-34,800+GP ` 4,600/- on officiating basis, with immediate effect and to post him in Elect. Sub-Divn. II, Ponda under Elec. Divn.-X, Ponda against the vacancy caused due to transfer of Shri N. Krishna Acharya, Assistant Executive Engineer (Elec.).

The above promotion is further subject to the decision of Writ Petition No. 792/2008 filed by Shri Ramdas Yesso Salelkar and 7 others before the Hon'ble High Court of Bombay at Goa.

On joining his new assignment, he should send the copy of C.T.C/joining report to this office

immediately. In case of refusal of promotion, he shall be debarred for promotion for a period of one year from the date of refusal of promotion.

By order and in the name of the Governor of Goa.

Nirmal Braganza, Chief Electrical Engineer & ex officio Addl. Secretary.

Panaji, 3rd November, 2011.

Order

No. CEE/Estt-31-25-88/GPSC/Part-III(B)/Vol-II/4065

Read: Government Order No. CEE/Estt-31-25-88/GPSC/Part-III(B)/Vol-II/4012 dated 3-11-2011.

Government is pleased to cancel the transfer and posting of the following Assistant Executive Engineer (Elec.)/Assistant Engineer (Elec.) of Electricity Department effected at Sr. No. 10 and 11 in the above cited order dated 3-11-2011, in public interest:

- 1) Shri Vithal G. Haldankar, Assistant Engineer (Elec.).
- 2) Shri Gangadharan G., Assistant Executive Engineer (Elec.).

By order and in the name of the Governor of Goa.

Nirmal Braganza, Chief Electrical Engineer & ex officio Addl. Secretary.

Panaji, 8th November, 2011.

Order

No. CEE/Estt-31-25-88/GPSC/Part-III(B)/Vol-II/4126

Read: Government Order No. CEE/Estt-31-25-88/GPSC/Part-III(B)/Vol-II/4012 dated 3-11-2011.

In partial modification, the place of posting on transfer in respect of Shri G. Gangadharan, Assistant Executive Engineer (Elec.) shown in the above cited order dated 3-11-2011 may be corrected to read as "Technical Section, O/o the Executive Engineer, Elec. Divn. X, Ponda with additional charge of Elec. Sub-Divn. IV (Sub-Stores), Ponda under Elec. Divn. II, (S&W), Margao, thereby relieving Shri P. K. Madhvan, Assistant Executive Engineer (Elec.) and Shri T. Gokula, Assistant Executive Engineer (Elec.) from the respective additional charges."

All other contents remain unchanged.

By order and in the name of the Governor of Goa.

Nirmal Braganza, Chief Electrical Engineer & ex officio Addl. Secretary.

Panaji, 10th November, 2011.

Order

No. CEE/Estt-31-25-88/GPSC/Part-III(B)/Vol-II/4127

Read: Government Order No. CEE/Estt-31-25-88/GPSC/Part-III(B)/Vol-II/4013 dated 3-11-2011.

In partial modification, the place of posting on promotion in respect of "Shri Mahadevappa" shown in the above cited order may be corrected to read as "Elec. Sub-Divn. I, Xeldem under Elec. Divn. XII, Xeldem, vice Shri Vithal G. Haldankar, Assistant Engineer (Elec.) transferred."

All other contents remain unchanged.

By order and in the name of the Governor of Goa.

Nirmal Braganza, Chief Electrical Engineer & ex officio Addl. Secretary.

Panaji, 10th November, 2011.

Order

No. CEE/Estt-31-25-88/GPSC/Part-III(B)/Vol-II/4125

Read: Government Order No. CEE/Estt-31-25-88/GPSC/Part-III(B)/Vol-II/4065 dated 8-11-2011.

"In public interest, Government is pleased to withdraw the above cited order dated 8-11-2011 with effect from the date of issue."

By order and in the name of the Governor of Goa.

Nirmal Braganza, Chief Electrical Engineer & ex officio Addl. Secretary.

Panaji, 10th November, 2011.

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Department of Public Health

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Order

No. 25/22/2002-I/PHD

Ref.: Order No. 25/22/2002-I/PHD dated 23-01-2004.

Government is pleased to recognize "Wockhardt Hospitals Ltd., Unit NUSI Wockhardt Hospital, Panzorconi, Cuncolim-Goa" under the Goa Medclaim Scheme for purpose of Medclaim and Medical Reimbursement for all Super Speciality Treatment, the facilities which are not available in Goa Medical College, Bambolim.

This issues with the concurrence of Finance (Exp) Department vide their U. O. No. 1443342 dated 11-11-2011.

By order and in the name of the Governor of Goa.

D. G. Sardesai, Joint Secretary (Health).

Porvorim, 14th November, 2011.

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Department of Revenue

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Order

No. 23/8/2010-RD

Whereas, the Government of Goa, vide Notification No. 23/8/2010-RD dated 07-09-2010, issued under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (Act 1 of 1894) (hereinafter referred to as the "said Act"), and published in the Official Gazette, Series II No. 25 dated 16-09-2010, notified that the land specified in the

Schedule thereof (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Land Acquisition for const. of road to Sukale & Gaudewada in V. P. Corgao in Pernem Constituency (hereinafter referred to as the "said public purpose");

And whereas, the Government of Goa considered the report made by the Collector under sub-section (2) of Section 5A of the said Act and on being satisfied that the said land is needed for the said public purpose, vide Notification No. 23/8/2010-RD dated 02-08-2011, issued under Section 6 of the said Act, and published in the Official Gazette, Series II No. 19 dated 11-08-2011, declared that the said land is required for the said public purpose.

Now, therefore, in exercise of the powers conferred by Section 7 of the Land Acquisition Act, 1894 (Act 1 of 1894), the Government of Goa hereby directs the Collector, North Goa District, Panaji-Goa to take the order for acquisition of the said land.

By order and in the name of the Governor of Goa.

Pandharinath N. Naik, Under Secretary (Rev-I).
Porvorim, 14th November, 2011.



Department of Town & Country Planning

Order

Ref. No. 17/01/TP-UD/Tcp/2011/4587

Government is pleased to transfer the following Officers of the Town & Country Planning Department in the public interest with immediate effect as per the posting shown below:

| Sr. No. | Name of the Officer/designation | Present posting | To be posted/ /Addl. charge |
|---------|---|--|------------------------------------|
| 1 | 2 | 3 | 4 |
| 1. | Shri Ranjit Borkar, Town Planner | North Goa District Office, Mapusa | Headquarters, Panaji. |
| 2. | Shri Ramdas Volvoikar, Dy. Town Planner | Pernem/ /Bicholim Branch Office, Pernem/ /Bicholim | North Goa District Office, Mapusa. |

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| 1 | 2 | 3 | 4 |
|----|--|------------------------|---|
| 5. | Shri Vinod Kumar, Dy. Town Planner | Head- quarters, Panaji | Addl. charge of Pernem Branch Office, Pernem. |
| 6. | Shri Sanjay Halornekar, Dy. Town Planner | Head- quarters, Panaji | Addl. charge of Bicholim Branch Office, Bicholim. |

The Officers are hereby directed to join their new posting with immediate effect without availing the joining time.

This is issued with the approval of the Government vide note No. 17/1/TP-UD/TCP-08-11/ /4366 dated 20-10-2011.

By order and in the name of the Governor of Goa.

S. T. Puttaraju, Chief Town Planner/ex officio Joint Secretary.

Panaji, 10th November, 2011.



Department of Transport

Directorate of Transport

Notification

No. 5/9/90-Tpt/2011/4617

In exercise of the powers conferred by clause (xii) of sub-rule (1) and Rule 22 of the Goa, Daman and Diu Motor Vehicles Tax Rules, 1974, the Government of Goa hereby exempts New Maruti EECO 5 STR with A/C + HTR bearing chassis No. MA3ERLF1S00227551 and Engine G12BN-208248 owned by Society of the Franciscan Sisters of Mary, Our Lady of the Rosary Convent, Dona-Paula, Goa from Payment of tax due to this State, being a charitable Educational Institution.

Arun L. Desai, Director and ex officio Joint Secretary (Tpt).

Panaji, 11th November, 2011.